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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,815

Applicant(s)

RODRIQUEZ ET AL.

Examiner

Sally Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/3/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is response to Applicant's amendment filed on June 3, 2003. The rejections are as stated below:

Status of Claims

2. Of the original claims 1-21, claims 1-8 have been cancelled and claims 10-17 and 20 have been amended. Additionally, claims 22-28 have been added. Therefore, claims 9-28 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on June 3, 2003 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 9-28 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Amendment

4. The Examiner acknowledges Applicant's amended claims 10-17 and 20 and additional claims 22-28. Please see below for rejection with respect to these claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Amended claims 10-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (United States Patent Number 6,163,772).

Claim 10: Kramer et al. discloses the apparatus of claim 9 further comprising a device router coupled to the protocol translator, the device router transmitting authorization data received in response to the credit transaction data to the one or more point of sale systems in response to the credit transaction data and the authorization data (Abstract, Fig. 1A-1C, 2, 3, 8, 10, 14, 15B, 17 and column 28, lines 11-38).

Claim 11: Kramer et al. discloses the apparatus of claim 9 further comprising a management system interface coupled to the protocol translator, the management system storing a protocol module to the protocol system (Abstract, Fig. 1A-1C, 2, 3, 8, 10, 14, 15B and column 28, lines 11-38).

Claim 12: Kramer et al. discloses the apparatus of claim 8 further comprising a management system interface coupled to the encryption system, the management system storing an encryption module to the encryption system (Abstract, Fig. 1A-1C, 2, 3, 8, 10, 14, 15B, 18A-18D and column 28, lines 11-38).

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Claim 13: Kramer et al. discloses a method for transmitting credit transaction data over a communications medium comprising:

receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48);

determining a point-of-sale device data transmission protocol to use to assemble the credit card transaction data into an authorization request (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48);

encrypting the authorization request (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48);

transmitting the encrypted authorization request over the communications medium (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48);

decrypting the encrypted authorization request (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48);

determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48); and

transmitting the authorization request to the appropriate authorization system (Fig. 4-8, column 89, lines 66-67 and column 90, lines 46-48).

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Claim 14: Kramer et al. discloses the method of claim 13 wherein receiving the credit transaction data from the point of sale device comprises receiving the credit transaction data in accordance with one or more of an ISO 8583 protocol or a Visa-K protocol (Fig. 4-8).

Claim 15: Kramer et al. discloses the method of claim 13 wherein encrypting the authorization request comprises encrypting the credit transaction data using an encryption module received from a hub manager (Abstract, Fig. 1A-1C, 2, 3, 8, 10, 14, 15B and column 28, lines 11-38).

Claim 16: Kramer et al. discloses the method of claim 13 wherein transmitting the encrypted authorization request over the communications medium comprises transmitting the encrypted data in an HTTP format (Abstract, Fig. 1A-1C, 2, 3, 8, 10, 14, 15B and column 28, lines 11-38).

Claim 17: Kramer et al. discloses a method for controlling the transmission of credit transaction comprising:

transmitting one or more control messages to a remote hub (Abstract, Fig. 3, 6A-6B, 9, 17, 18C and column 64, lines 7-31);

processing the control message at the remote hub (Abstract, Fig. 3, 6A-6B, 9, 17, 18C and column 64, lines 7-31); and

performing a control function on one of two or more point of sale devices that read credit card data from a magnetic stripe of a credit card at the remote hub in response to the control message (Fig. 4, 5A-4F, column 4, lines 35-37, column 18, lines 27-43, column 89, lines 66-67 and column 90, lines 46-48).

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Claim 20: Kramer et al. discloses the method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises updating the remote hub with a protocol module to accommodate a new point of sale device (Abstract, Fig. 3, 6A-6B, 9, 17, 18C and column 64, lines 7-31).

7. New claims 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (United States Patent Number 6,163,772).

Claim 22: Kramer et al. disclose a system for transmitting credit transaction data comprising:

two or more point-of-sale systems, each point-of-sale system using a proprietary data format to read credit card data from a magnetic stripe of a credit card and generate credit transaction data (Fig. 4, 5A-4F, column 4, lines 35-37, column 18, lines 27-43, column 89, lines 66-67 and column 90, lines 46-48);

a remote hub system coupled to a communications medium, the remote hub system receiving the credit transaction data from one or more point of sale systems, translating the credit transaction data from the proprietary data format to a predetermined data format, encrypting the translated credit transaction data, and transmitting the translated encrypted credit transaction data over the communications medium (Abstract, Fig. 12A, 12 B, 18A, 21A, 23, and 27); and

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a gateway system coupled to the communications medium, the gateway system receiving the encrypted translated credit transaction data, decrypting the encrypted translated credit transaction data, and transmitting the translated credit transaction data to an authorization system (Abstract, Fig. 12A, 12 B, 18A, 21A, 23, 27 and column 129, lines 25-35).

Claim 23: Kramer et al. disclose the system of claim 22 further comprising:

a first authorization system coupled to the gateway system (Fig. 4-8);

a second authorization system coupled to the gateway system (Fig. 4-8); and

wherein the gateway system transmits the credit transaction data to the first or second authorization system based upon the translated credit transaction data (Fig. 4-8).

Claim 24. Kramer et al. disclose the system of claim 22 wherein the remote hub system further comprises a protocol translator receiving the credit transaction data from each of the one or more point of sale systems according to the proprietary data format associated with each point of sale system (Fig. 4-8).

Claim 25. Kramer et al. disclose the system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on the remote hub system (Fig. 4-8 and column 18, lines 45-59).

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Claim 26. Kramer et al. disclose the system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on one or more of the point-of-sale systems (Fig. 4-8 and column 19, lines 5-41).

Claim 27. Kramer et al. disclose the system of claim 22 wherein the point-of-sale systems include one or more pre-existing point of sale systems that are configured to communicate using a public switched telephone network telephone line (Fig. 1A, column 32, lines 11-12 and column 90, lines 46-48).

Claim 28. Kramer et al. disclose the system of claim 27 further comprising a telephone backup system coupled to one or more of the point of sale systems and the hub, wherein the hub uses the telephone backup system when the communications medium is unavailable (Fig. 1A, column 32, lines 11-12 and column 90, lines 46-48).

Response to Applicant's Argument

7. The Examiner acknowledges Applicant's arguments with respect to claims 9-22. The Applicant's arguments have been fully considered, and discussed in the next section below are not deemed to be persuasive.

8. Claims 9-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. United States Patent Number 6,163,772 as discussed from the last paragraph of page 5 of paper number 5.

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9. For Claim 9, the applicant argued that the Kramer reference does not disclose “the credit transaction data from one or more point of sale system according to a transmission protocol”.

To the contrary, the Kramer reference specifically referred to a plurality of point-of-sale system or computer systems that can be used as point-of-sale systems from the Abstract to column 89, lines 66-67 and column 90, lines 46-53. Please also see Fig. 4-8.

10. For Claim 11, the applicant argued that the Kramer reference does not disclose “any such management interface”. To the contrary, the use of interface has been mentioned throughout the Kramer reference. The Kramer reference specifically referred to a programming aspect of the invention where the interface can be customized (Column 13, lines 12-20). Additionally, Fig. 1B illustrates the interface between a payment gateway system and a financial institution (Column 13, lines 48-54).

11. For Claim 12, the applicant quoted a passage from column 64, lines 32-44 of the Kramer reference where the Kramer reference stated that the invention would communicate with data that have been approved by the Department of Commerce. The applicant failed to mention that column 64, lines 32-33 indicated an expert license for encryption software that can be obtained on a case-by-case base from Department of Commerce. Moreover, Claim 12 does not recite the use of unlawful data that has been disapproved by the Department of Commerce.

12. For Claim 13, the applicant argued that Kramer does not disclose “point of sale devices reading credit card data from a magnetic strip of a credit card”. To the contrary, the Kramer

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reference specifically described the use of a magnetic strip of a credit card in column 89, lines 66-67 and column 90, lines 46-48.

13. For Claim 14, the applicant argued that the Kramer reference does not disclose physical use of swiping a credit card. Please see argument above incorporated herein.

14. For Claim 17, again, the applicant that the Kramer reference does not disclose physical use of swiping a credit card. Please see argument above incorporated herein.

15. For Claim 22, the applicant merely quoted the claim language of Claim 22 without making any argument. Please see discussion above incorporated herein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,546,441 B1 is cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
July 28, 2003


HANI M. KAZIMI
PRIMARY EXAMINER